

Governor's Budget Recommendation Conforming Bill  
K-12 Education

A bill to be entitled

An act relating to prekindergarten through grade 12 education funding; amending s. 1001.10, F.S., requiring the Commissioner of Education to annually report federal indirect cost rates; amending s. 1001.451, F.S., revising grant funding for regional consortium service organizations; amending s. 1002.32, F.S., making technical revisions; amending s. 1002.33, F.S., providing limitations on enrollment reporting; amending s. 1002.35, F.S., providing technical revisions; amending s. 1002.36, providing for health screenings and medical services for students attending the Florida School for the Deaf and the Blind; amending s. 1003.52, F.S., Providing for incentive funding for teachers within juvenile justice facilities; amending s. 1006.29, F.S., revising reimbursement for service on state instructional materials committees; amending s. 1007.34, F.S., providing technical revisions; amending s. 1011.61, F.S., defining full-time enrollment for on-the-job training programs; amending s. 1011.62, renaming the Florida Education Finance Program as the Education Choice Fund; making technical revisions; providing for certain out-of-district exceptional students; providing weighted funding for exceptional students under certain circumstances; authorizing fees for voluntary summer school instruction; amending s. 1012.71, F.S., providing technical revisions; directing the Division of Statutory Revision to replace "Florida Education Finance Program" with "Education Choice Fund;" providing an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

32  
33 Section 1. A new paragraph (r) is added to subsection (6)  
34 of section 1001.10, Florida Statutes, to read:

35 1001.10 Commissioner of Education; general powers and  
36 duties.—

37 (6) Additionally, the commissioner has the following  
38 general powers and duties:

39 (r) The Commissioner shall annually report to the Speaker  
40 of the House of Representatives, President of the Senate, and  
41 Executive Office of Governor, on or before October 1, federal  
42 indirect cost rates approved for use during the fiscal year that  
43 encompasses the annual report. The report shall include the  
44 data on which the rates are established, the estimated funds the  
45 rates will generate, the proposed expenditure plan for federal  
46 funds generated for indirect costs, and the balance of federal  
47 indirect cost funds on June 30 of the prior fiscal year.

48 Section 2. Subsection (2) of section 1001.451, Florida  
49 Statutes, is amended to read:

50 1001.451 Regional consortium service organizations.—

51 (2)(a) Each regional consortium service organization that  
52 consists of four or more school districts is eligible to  
53 participate in a competitive grant program ~~receive, through the~~  
54 ~~Department of Education, an incentive grant of \$50,000 per~~  
55 ~~school district and eligible member to be used for the delivery~~  
56 ~~of services within the participating school districts. The~~  
57 ~~determination of services and use of such funds, if awarded,~~  
58 shall be established by the board of directors of the regional  
59 consortium service organization. The funds shall be distributed

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60 to each regional consortium service organization no later than  
61 30 days following the release of the funds to the department.

62 ~~(b) Application for incentive grants shall be made to the~~  
63 ~~Commissioner of Education by July 30 of each year for~~  
64 ~~distribution to qualifying regional consortium service~~  
65 ~~organizations by January 1 of the fiscal year.~~

66 ~~(c) Notwithstanding paragraph (a), the appropriation for~~  
67 ~~the 2010-2011 fiscal year may be less than \$50,000 per school~~  
68 ~~district and eligible member. If the amount appropriated is~~  
69 ~~insufficient to provide \$50,000, the funds available must be~~  
70 ~~prorated among all eligible districts and members. This~~  
71 ~~paragraph expires July 1, 2011.~~

72 Section 3. Subsection (2) of section 1002.32, Florida  
73 Statutes are amended to read:

74 1002.32 Developmental research (laboratory) schools. -

75 (2) ESTABLISHMENT.- There is established a category of  
76 public schools to be known as developmental research  
77 (laboratory) schools (lab schools). Each lab school shall  
78 provide sequential instruction and shall be affiliated with the  
79 college of education within the state university of closest  
80 geographic proximity. A lab school to which a charter has been  
81 issued under s. 1002.33(5)(a) 2. must be affiliated with the  
82 college of education within the state university that issued the  
83 charter, but is not subject to the requirement that the state  
84 university be of closest geographic proximity. For the purpose  
85 of state funding, Florida Agricultural and Mechanical  
86 University, Florida Atlantic University, Florida State  
87 University, the University of Florida, and other universities  
88 approved by the State Board of Education and the Legislature are  
89 authorized to sponsor a lab school. The limitation of one lab

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90 school per university shall not apply to the following charter  
91 lab schools authorized prior to June 1, 2003: Florida State  
92 University Charter Lab K-12 School in Broward County, Florida  
93 ~~Atlantic State~~ University Charter Lab K-12 ~~9-12 High~~ School in  
94 ~~Palm Beach~~ Leon County, and Florida Atlantic University Charter  
95 Lab K-12 School in St. Lucie County.

96 Section 4. Paragraph (a) of subsection (17) of section  
97 1002.33, Florida Statutes, is amended to read:

98 1002.33 Charter schools.—

99 (17) FUNDING.—Students enrolled in a charter school,  
100 regardless of the sponsorship, shall be funded as if they are in  
101 a basic program or a special program, the same as students  
102 enrolled in other public schools in the school district. Funding  
103 for a charter lab school shall be as provided in s. 1002.32.

104 (a) Each charter school shall report its student enrollment  
105 to the sponsor as required in s. 1011.62, and in accordance with  
106 the definitions in s. 1011.61. The sponsor shall include each  
107 charter school's enrollment in the district's report of student  
108 enrollment. Charter schools may not report FTE student  
109 enrollment for virtual instruction received by students  
110 principally in their own homes. However, charter schools may  
111 serve students who are temporarily homebound or who receive a  
112 portion of their instruction on-line. All charter schools  
113 submitting student record information required by the Department  
114 of Education shall comply with the Department of Education's  
115 guidelines for electronic data formats for such data, and all  
116 districts shall accept electronic data that complies with the  
117 Department of Education's electronic format.

118 Section 5. Subsection (3) of section 1002.35, Florida  
119 Statutes, is amended to read:

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120 1002.35 New World School of the Arts.-

121 (3) The school shall submit annually a formula-driven  
122 budget request to the commissioner and the Legislature. This  
123 formula shall be developed in consultation with the Department  
124 of Education and staff of the Legislature. ~~However, the actual~~  
125 ~~funding for the school shall be determined by the Legislature in~~  
126 ~~the General Appropriations Act.~~

127 Section 6. A new subsection (10) is added to section  
128 1002.36, Florida Statutes, to read:

129 1002.36 Florida School for the Deaf and the Blind.-

130 (10) HEALTH SCREENINGS AND MEDICAL SERVICES.--The Florida  
131 School for the Deaf and the Blind shall contract for health,  
132 medical, pharmaceutical and dental screening services for  
133 students. The school shall develop a collaborative service  
134 agreement for medical services and shall maximize the recovery  
135 of all legally available funds from Medicaid and private  
136 insurance coverage. The school shall report to the Legislature,  
137 the Executive Office of the Governor, and the Department of  
138 Education, by June 30, information describing the agreement,  
139 services provided, budget and expenditures, including amounts  
140 and sources of all funding used for the collaborative medical  
141 program and any other student health services.

142 Section 7. Subsection (10) of section 1003.52, Florida  
143 Statutes, is amended to read:

144 1003.52 Educational services in Department of Juvenile  
145 Justice programs.-

146 (10) The district school board shall recruit and train  
147 teachers who are interested, qualified, or experienced in  
148 educating students in juvenile justice programs. Students in  
149 juvenile justice programs shall be provided a wide range of

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150 educational programs and opportunities including textbooks,  
151 technology, instructional support, and other resources available  
152 to students in public schools. Teachers assigned to educational  
153 programs in juvenile justice settings in which the district  
154 school board operates the educational program shall be selected  
155 by the district school board in consultation with the director  
156 of the juvenile justice facility. Educational programs in  
157 juvenile justice facilities shall have access to the substitute  
158 teacher pool utilized by the district school board. Full-time  
159 teachers working in juvenile justice schools, whether employed  
160 by a district school board or a provider, shall be eligible for  
161 the critical teacher shortage tuition reimbursement program as  
162 defined by s. 1009.58 and other teacher recruitment and  
163 retention programs. Also, if a school district provides  
164 incentive funding for teachers to work in a failing school, then  
165 an equal incentive bonus must be provided to teachers teaching  
166 in juvenile justice facilities.

167 Section 8. Paragraph (c) of subsection (1) of section  
168 1006.29, Florida Statutes, is amended to read:

169 1006.29 State instructional materials committees.—

170 (c) The district school board ~~shall~~ may be reimbursed for  
171 the actual cost of substitute teachers for each workday that a  
172 member of its instructional staff is absent from his or her  
173 assigned duties for the purpose of rendering service to the  
174 state instructional materials committee. In addition, committee  
175 members ~~shall~~ may be reimbursed for travel expenses and per diem  
176 in accordance with s. 112.061 for actual service in meetings of  
177 committees called by the commissioner. ~~Payment of such travel~~  
178 ~~expenses shall be made from the appropriation for the~~  
179 ~~administration of the instructional materials program, on~~

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180 ~~warrants to be drawn by the Chief Financial Officer upon~~  
181 ~~requisition approved by the commissioner.~~

182 Section 9. Subsection (13) of section 1007.34, Florida  
183 Statutes, is amended to read:

184 1007.34 College reach-out program.-

185 (13) Funding for the college reach-out program may ~~shall~~ be  
186 provided in the General Appropriations Act.

187 Section 10. A new subsection (7) is added to section  
188 1011.61, Florida Statutes, to read:

189 1011.61 Definitions.-

190 (7) A student in cooperative education or other types of  
191 programs incorporating on-the-job training shall not be counted  
192 for more than 25 hours per week of membership in all programs  
193 when calculating full-time student membership.

194 Section 11. Paragraphs (a) through (g), (t), and (u) of  
195 subsection (1), paragraphs (a) and (e) and the introductory  
196 paragraph of subsection (4), paragraph (a) of subsection (6),  
197 subsection (8), paragraph (b) of subsection (9), subsection  
198 (10), and the introductory section of paragraph (a) and the  
199 introductory paragraph of subsection (12) of section 1011.62,  
200 Florida Statutes, are amended to read:

201 1011.62 Funds for operation of schools.-If the annual  
202 allocation from the ~~Florida Education Finance Program~~ Education  
203 Choice Fund to each district for operation of schools is not  
204 determined in the annual appropriations act or the substantive  
205 bill implementing the annual appropriations act, it shall be  
206 determined as follows:

207 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
208 OPERATION. - The following procedure shall be followed in

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209 determining the annual allocation to each district for  
210 operation:

211 (a) Determination of full-time equivalent membership. -  
212 During each of several school weeks, including scheduled  
213 intersessions of a year-round school program during the fiscal  
214 year, a program membership survey of each school shall be made  
215 by each district by aggregating the full-time equivalent student  
216 membership of each program by school and by district. The  
217 department shall establish the number and interval of membership  
218 calculations, except that for basic and special programs such  
219 calculations shall not exceed nine for any fiscal year. The  
220 district's full-time equivalent membership shall be computed and  
221 currently maintained in accordance with regulations of the  
222 commissioner.

223 (b) Determination of base student allocation. - The base  
224 student allocation for the ~~Florida Education Finance Program~~  
225 Education Choice Fund for kindergarten through grade 12 shall be  
226 determined annually by the Legislature and shall be that amount  
227 prescribed in the current year's General Appropriations Act.

228 (c) Determination of programs. - Cost factors based on  
229 desired relative cost differences between the following programs  
230 ~~shall be established in the annual General Appropriations Act.~~  
231 The Commissioner of Education shall specify a matrix of services  
232 and intensity levels to be used by districts in the  
233 determination of the two weighted cost factors for exceptional  
234 students with the highest levels of need. For these students,  
235 the funding support level shall fund the exceptional students'  
236 education program, with the exception of extended school year  
237 services for students with disabilities.

238 1. Basic programs.-

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239 a. Kindergarten and grades 1, 2, and 3.

240 b. Grades 4, 5, 6, 7, and 8.

241 c. Grades 9, 10, 11, and 12.

242 2. Programs for exceptional students.—

243 a. Support Level IV

244 b. Support Level V

245 3. Secondary career education programs.—

246 4. English for Speakers of Other Languages.—

247 (d) Annual allocation calculation.—

248 1. The Department of Education is authorized and directed  
249 to review all district programs and enrollment projections and  
250 calculate a maximum total weighted full-time equivalent student  
251 enrollment for each district for the K-12 ~~FEPP~~ Education Choice  
252 Fund.

253 2. Maximum enrollments calculated by the department shall  
254 be derived from enrollment estimates used by the Legislature to  
255 calculate the ~~FEPP~~ Education Choice Fund. If two or more  
256 districts enter into an agreement under the provisions of s.  
257 1001.42(4)(d), after the final enrollment estimate is agreed  
258 upon, the amount of FTE specified in the agreement, not to  
259 exceed the estimate for the specific program as identified in  
260 paragraph (c), may be transferred from the participating  
261 districts to the district providing the program.

262 3. As part of its calculation of each district's maximum  
263 total weighted full-time equivalent student enrollment, the  
264 department shall establish separate enrollment ceilings for each  
265 of two program groups. Group 1 shall be composed of basic  
266 programs for grades K-3, grades 4-8, and grades 9-12. Group 2  
267 shall be composed of students in exceptional student education

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268 programs support levels IV and V, English for Speakers of Other  
269 Languages programs, and all career programs in grades 9-12.

270 a. For any calculation of the ~~FEFP~~ Education Choice Fund,  
271 the enrollment ceiling for group 1 shall be calculated by  
272 multiplying the actual enrollment for each program in the  
273 program group by its appropriate program weight.

274 b. The weighted enrollment ceiling for group 2 programs  
275 shall be calculated by multiplying the enrollment for each  
276 program by the appropriate program weight ~~as provided in the~~  
277 ~~General Appropriations Act~~. The weighted enrollment ceiling for  
278 program group 2 shall be the sum of the weighted enrollment  
279 ceilings for each program in the program group, plus the  
280 increase in weighted full-time equivalent student membership  
281 from the prior year for clients of the Department of Children  
282 and Family Services and the Department of Juvenile Justice.

283 c. If, for any calculation of the ~~FEFP~~ Education Choice  
284 Fund, the weighted enrollment for program group 2, derived by  
285 multiplying actual enrollments by appropriate program weights,  
286 exceeds the enrollment ceiling for that group, the following  
287 procedure shall be followed to reduce the weighted enrollment  
288 for that group to equal the enrollment ceiling:

289 (I) The weighted enrollment ceiling for each program in the  
290 program group shall be subtracted from the weighted enrollment  
291 for that program derived from actual enrollments.

292 (II) If the difference calculated under sub-sub-  
293 subparagraph (I) is greater than zero for any program, a  
294 reduction proportion shall be computed for the program by  
295 dividing the absolute value of the difference by the total  
296 amount by which the weighted enrollment for the program group  
297 exceeds the weighted enrollment ceiling for the program group.

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298 (III) The reduction proportion calculated under sub-sub-  
299 subparagraph (II) shall be multiplied by the total amount of the  
300 program group's enrollment over the ceiling as calculated under  
301 sub-sub-subparagraph (I).

302 (IV) The prorated reduction amount calculated under sub-  
303 sub-subparagraph (III) shall be subtracted from the program's  
304 weighted enrollment to produce a revised program weighted  
305 enrollment.

306 (V) The prorated reduction amount calculated under sub-sub-  
307 subparagraph (III) shall be divided by the appropriate program  
308 weight, and the result shall be added to the revised program  
309 weighted enrollment computed in sub-sub-subparagraph (IV).

310 (e) Funding model for exceptional student education  
311 programs.—

312 1.a. The funding model uses basic, at-risk, support levels  
313 IV and V for exceptional students and career ~~Florida Education~~  
314 ~~Finance Program~~ Education Choice Fund cost factors, and a  
315 guaranteed allocation for exceptional student education  
316 programs. Exceptional education cost factors are determined by  
317 using a matrix of services to document the services that each  
318 exceptional student will receive. The nature and intensity of  
319 the services indicated on the matrix shall be consistent with  
320 the services described in each exceptional student's individual  
321 educational plan. School districts that provided educational  
322 services for exceptional students who are residents of other  
323 districts shall not discontinue providing such services without  
324 the prior approval of the Department of Education.

325 b. In order to generate funds using one of the two weighted  
326 cost factors, a matrix of services must be completed at the time  
327 of the student's initial placement into an exceptional student

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328 education program and at least once every 3 years by personnel  
329 who have received approved training. Nothing listed in the  
330 matrix shall be construed as limiting the services a school  
331 district must provide in order to ensure that exceptional  
332 students are provided a free, appropriate public education.

333 c. Students identified as exceptional, in accordance with  
334 chapter 6A-6, Florida Administrative Code, who do not have a  
335 matrix of services as specified in sub-subparagraph b. shall  
336 generate funds on the basis of full-time-equivalent student  
337 membership in the ~~Florida Education Finance Program~~ Education  
338 Choice Fund at the same funding level per student as provided  
339 for basic students. Additional funds for these exceptional  
340 students will be provided through the guaranteed allocation  
341 designated in subparagraph 2.

342 2. For students identified as exceptional who do not have a  
343 matrix of services and students who are gifted in grades K  
344 through 8, there is created a guaranteed allocation to provide  
345 these students with a free appropriate public education, in  
346 accordance with s. 1001.42(4)(m) and rules of the State Board of  
347 Education, which shall be allocated annually to each school  
348 district ~~in the amount provided in the General Appropriations~~  
349 ~~Act~~. These funds shall be in addition to the funds appropriated  
350 on the basis of FTE student membership in the ~~Florida Education~~  
351 ~~Finance Program~~ Education Choice Fund, and the amount allocated  
352 for each school district shall not be recalculated during the  
353 year. These funds shall be used to provide special education and  
354 related services for exceptional students and students who are  
355 gifted in grades K through 8. Beginning with the 2007-2008  
356 fiscal year, a district's expenditure of funds from the  
357 guaranteed allocation for students in grades 9 through 12 who

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358 are gifted may not be greater than the amount expended during  
359 the 2006-2007 fiscal year for gifted students in grades 9  
360 through 12.

361 3. The value of 43.35 weighted full-time equivalent  
362 enrollment (FTE) is provided to supplement the funding for  
363 severely handicapped students served in exceptional student  
364 education programs 254 and 255 when a school district has less  
365 than 10,000 FTE and less than 3 eligible FTE per program. The  
366 Commissioner of Education shall allocate the value of the  
367 supplemental FTE based on documented evidence that program cost  
368 exceeds the district's Education Choice Fund allocation for the  
369 students being served. The supplement shall not exceed 3 FTE.

370 (f) Supplemental academic instruction; categorical fund.—

371 1. There is created a categorical fund to provide  
372 supplemental academic instruction to students in kindergarten  
373 through grade 12. This paragraph may be cited as the  
374 "Supplemental Academic Instruction Categorical Fund."

375 2. Categorical funds for supplemental academic instruction  
376 shall be allocated annually to each school district ~~in the~~  
377 ~~amount provided in the General Appropriations Act~~ and the amount  
378 allocated for each school district shall not be recalculated  
379 during the year. These funds shall be in addition to the funds  
380 appropriated on the basis of FTE student membership in the  
381 ~~Florida Education Finance Program~~ Education Choice Fund and  
382 shall be included in the total potential funds of each district.  
383 These funds shall be used to provide supplemental academic  
384 instruction to students enrolled in the K-12 program.

385 Supplemental instruction strategies may include, but are not  
386 limited to: modified curriculum, reading instruction, after-  
387 school instruction, tutoring, mentoring, class size reduction,

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388 extended school year, intensive skills development in summer  
389 school, and other methods for improving student achievement.  
390 Supplemental instruction may be provided to a student in any  
391 manner and at any time during or beyond the regular 180-day term  
392 identified by the school as being the most effective and  
393 efficient way to best help that student progress from grade to  
394 grade and to graduate.

395 3. Effective with the 1999-2000 fiscal year, funding on the  
396 basis of FTE membership beyond the 180-day regular term shall be  
397 provided in the ~~FEFP~~ Education Choice Fund only for students  
398 enrolled in juvenile justice education programs or in education  
399 programs for juveniles placed in secure facilities or programs  
400 under s. 985.19. Funding for instruction beyond the regular 180-  
401 day school year for all other K-12 students shall be provided  
402 through the supplemental academic instruction categorical fund  
403 and other state, federal, and local fund sources with ample  
404 flexibility for schools to provide supplemental instruction to  
405 assist students in progressing from grade to grade and  
406 graduating.

407  
408 For instruction beyond the regular 180-day school year, school  
409 districts may charge a fee for K-12 students enrolled in  
410 voluntary, non-credit summer school in basic program courses.  
411 The amount of any student's fee shall be based on the student's  
412 ability to pay and the student's financial need as determined by  
413 school board policy.

414 4. The Florida State University School, as a lab school, is  
415 authorized to expend from its ~~FEFP~~ Education Choice Fund or  
416 Lottery Enhancement Trust Fund allocation the cost to the  
417 student of remediation in reading, writing, or mathematics for

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418 any graduate who requires remediation at a postsecondary  
419 educational institution.

420 5. Beginning in the 1999-2000 school year, dropout  
421 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
422 (b), and (c), and 1003.54 shall be included in group 1 programs  
423 under subparagraph (d)3.

424 (g) Education for speakers of other languages.—A school  
425 district shall be eligible to report full-time equivalent  
426 student membership in the ESOL program in the ~~Florida Education~~  
427 ~~Finance Program~~ Education Choice Fund provided the following  
428 conditions are met:

429 1. The school district has a plan approved by the  
430 Department of Education.

431 2. The eligible student is identified and assessed as  
432 limited English proficient based on assessment criteria.

433 3.a. An eligible student may be reported for funding in the  
434 ESOL program for a base period of 3 years. However, a student  
435 whose English competency does not meet the criteria for  
436 proficiency after 3 years in the ESOL program may be reported  
437 for a fourth, fifth, and sixth year of funding, provided his or  
438 her limited English proficiency is assessed and properly  
439 documented prior to his or her enrollment in each additional  
440 year beyond the 3-year base period.

441 b. If a student exits the program and is later reclassified  
442 as limited English proficient, the student may be reported in  
443 the ESOL program for funding for an additional year, or extended  
444 annually for a period not to exceed a total of 6 years pursuant  
445 to this paragraph, based on an annual evaluation of the  
446 student's status.

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447 4. An eligible student may be reported for funding in the  
448 ESOL program for membership in ESOL instruction in English and  
449 ESOL instruction or home language instruction in the basic  
450 subject areas of mathematics, science, social studies, and  
451 computer literacy.

452 (t) Determination of the basic amount for current  
453 operation.—The basic amount for current operation to be included  
454 in the ~~Florida Education Finance Program~~ Education Choice Fund  
455 for kindergarten through grade 12 for each district shall be the  
456 product of the following:

457 1. The full-time equivalent student membership in each  
458 program, multiplied by

459 2. The cost factor for each program, adjusted for the  
460 maximum as provided by paragraph (c), multiplied by

461 3. The base student allocation.

462 (u) Computation for funding through the ~~Florida Education~~  
463 ~~Finance Program~~ Education Choice Fund.—The State Board of  
464 Education may adopt rules establishing programs and courses for  
465 which the student may earn credit toward high school graduation.

466 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
467 Legislature shall prescribe the aggregate required local effort  
468 for all school districts collectively as an item in the General  
469 Appropriations Act for each fiscal year. The amount that each  
470 district shall provide annually toward the cost of the ~~Florida~~  
471 ~~Education Finance Program~~ Education Choice Fund for kindergarten  
472 through grade 12 programs shall be calculated as follows:

473 (a) Estimated taxable value calculations.—

474 1.a. Not later than 2 working days prior to July 19, the  
475 Department of Revenue shall certify to the Commissioner of  
476 Education its most recent estimate of the taxable value for

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477 school purposes in each school district and the total for all  
478 school districts in the state for the current calendar year  
479 based on the latest available data obtained from the local  
480 property appraisers. The value certified shall be the taxable  
481 value for school purposes for that year, and no further  
482 adjustments shall be made, except those made pursuant to  
483 paragraphs (c) and (d), or an assessment roll change required by  
484 final judicial decisions as specified in paragraph (12)(b). Not  
485 later than July 19, the Commissioner of Education shall compute  
486 a millage rate, rounded to the next highest one one-thousandth  
487 of a mill, which, when applied to 96 percent of the estimated  
488 state total taxable value for school purposes, would generate  
489 the prescribed aggregate required local effort for that year for  
490 all districts. The Commissioner of Education shall certify to  
491 each district school board the millage rate, computed as  
492 prescribed in this subparagraph, as the minimum millage rate  
493 necessary to provide the district required local effort for that  
494 year.

495       b. The General Appropriations Act shall direct the  
496 computation of the statewide adjusted aggregate amount for  
497 required local effort for all school districts collectively from  
498 ad valorem taxes to ensure that no school district's revenue  
499 from required local effort millage will produce more than 90  
500 percent of the district's total Florida Education Finance  
501 Program calculation as calculated and adopted by the  
502 Legislature, and the adjustment of the required local effort  
503 millage rate of each district that produces more than 90 percent  
504 of its total ~~Florida Education Finance Program~~ Education Choice  
505 Fund entitlement to a level that will produce only 90 percent of

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506 its total ~~Florida Education Finance Program~~ Education Choice  
507 Fund entitlement in the July calculation.

508 2. On the same date as the certification in sub-  
509 subparagraph 1.a., the Department of Revenue shall certify to  
510 the Commissioner of Education for each district:

511 a. Each year for which the property appraiser has certified  
512 the taxable value pursuant to s. 193.122(2) or (3), if  
513 applicable, since the prior certification under sub-subparagraph  
514 1.a.

515 b. For each year identified in sub-subparagraph a., the  
516 taxable value certified by the appraiser pursuant to s. 193.122  
517 (2) or (3), if applicable, since the prior certification under  
518 sub-subparagraph 1.a. This is the certification that reflects  
519 all final administrative actions of the value adjustment board.

520 (e) Prior period funding adjustment millage. -

521 1. There shall be an additional millage to be known as the  
522 Prior Period Funding Adjustment Millage levied by a school  
523 district if the prior period unrealized required local effort  
524 funds are greater than zero. The Commissioner of Education shall  
525 calculate the amount of the prior period unrealized required  
526 local effort funds as specified in subparagraph 2. and the  
527 millage required to generate that amount as specified in this  
528 subparagraph. The Prior Period Funding Adjustment Millage shall  
529 be the quotient of the prior period unrealized required local  
530 effort funds divided by the current year taxable value certified  
531 to the Commissioner of Education pursuant to sub-subparagraph  
532 (a)1.a. This levy shall be in addition to the required local  
533 effort millage certified pursuant to this subsection. Such  
534 millage shall not affect the calculation of the current year's  
535 required local effort, and the funds generated by such levy

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536 shall not be included in the district's ~~Florida Education~~  
537 ~~Finance Program~~ Education Choice Fund allocation for that fiscal  
538 year. For purposes of the millage to be included on the Notice  
539 of Proposed Taxes, the Commissioner of Education shall adjust  
540 the required local effort millage computed pursuant to paragraph  
541 (a) as adjusted by paragraph (b) for the current year for any  
542 district that levies a Prior Period Funding Adjustment Millage  
543 to include all Prior Period Funding Adjustment Millage. For the  
544 purpose of this paragraph, there shall be a Prior Period Funding  
545 Adjustment Millage levied for each year certified by the  
546 Department of Revenue pursuant to sub-subparagraph (a)2.a. since  
547 the previous year certification and for which the calculation in  
548 sub-subparagraph 2.b. is greater than zero.

549 2.a. As used in this subparagraph, the term:

550 (I) "Prior year" means a year certified under sub-  
551 subparagraph (a)2.a.

552 (II) "Preliminary taxable value" means:

553 (A) If the prior year is the 2009-2010 fiscal year or  
554 later, the taxable value certified to the Commissioner of  
555 Education pursuant to sub-subparagraph (a)1.a.

556 (B) If the prior year is the 2008-2009 fiscal year or  
557 earlier, the taxable value certified pursuant to the final  
558 calculation as specified in former paragraph (b) as that  
559 paragraph existed in the prior year.

560 (III) "Final taxable value" means the district's taxable  
561 value as certified by the property appraiser pursuant to s.  
562 193.122(2) or (3), if applicable. This is the certification that  
563 reflects all final administrative actions of the value  
564 adjustment board.

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565           b. For purposes of this subsection and with respect to each  
566 year certified pursuant to sub-subparagraph (a)2.a., if the  
567 district's prior year preliminary taxable value is greater than  
568 the district's prior year final taxable value, the prior period  
569 unrealized required local effort funds are the difference  
570 between the district's prior year preliminary taxable value and  
571 the district's prior year final taxable value, multiplied by the  
572 prior year district required local effort millage. If the  
573 district's prior year preliminary taxable value is less than the  
574 district's prior year final taxable value, the prior period  
575 unrealized required local effort funds are zero.

576           (6) CATEGORICAL.—

577           (a) In addition to the basic amount for current operations  
578 for the ~~FEFP~~ Education Choice Fund as determined in subsection  
579 (1), the Legislature may appropriate categorical funding for  
580 specified programs, activities, or purposes.

581           (8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS. - In those  
582 districts where there is a decline between prior year and  
583 current year unweighted FTE students, a percentage of the  
584 decline in the unweighted FTE students as determined by the  
585 Legislature shall be multiplied by the prior year calculated  
586 FEFP per unweighted FTE student and shall be added to the  
587 allocation for that district. For this purpose, the calculated  
588 FEFP shall be computed by multiplying the weighted FTE students  
589 by the base student allocation and then by the district cost  
590 differential. If a district transfers a program to another  
591 institution not under the authority of the district's school  
592 board, including a charter technical career center, the decline  
593 is to be multiplied by a factor of 0.15. However, if the funds  
594 provided for the ~~Florida Education Finance Program~~ Education

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595 Choice Fund in the General Appropriations Act for any fiscal  
596 year are reduced by a subsequent appropriation for that fiscal  
597 year, the percent of the decline in the unweighted FTE students  
598 to be funded shall be determined by the Legislature and  
599 designated in the subsequent appropriation.

600 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION. -

601 (b) Funds for comprehensive, research-based reading  
602 instruction shall be allocated annually to each school district  
603 in the amount provided in the General Appropriations Act. Each  
604 eligible school district shall receive the same minimum amount  
605 ~~as specified in the General Appropriations Act,~~ and any  
606 remaining funds shall be distributed to eligible school  
607 districts based on each school district's proportionate share of  
608 K-12 base funding.

609 (10) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE  
610 JUSTICE EDUCATION PROGRAMS. - The total K-12 weighted full-time  
611 equivalent student membership in juvenile justice education  
612 programs in each school district shall be multiplied by the  
613 amount of the state average class-size-reduction factor  
614 multiplied by the district's cost differential. An amount equal  
615 to the sum of this calculation shall be allocated in the ~~FEFP~~  
616 Education Choice Fund to each school district to supplement  
617 other sources of funding for students in juvenile justice  
618 education programs.

619 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
620 CURRENT OPERATION. - The total annual state allocation to each  
621 district for current operation for the ~~FEFP~~ Education Choice  
622 Fund shall be distributed periodically in the manner prescribed  
623 in the General Appropriations Act.

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624 (a) If the funds appropriated for current operation of the  
625 ~~FEFP~~ Education Choice Fund are not sufficient to pay the state  
626 requirement in full, the department shall prorate the available  
627 state funds to each district in the following manner:

628 Section 12. Subsection (2) of section 1012.71, Florida  
629 Statutes, is amended to read:

630 1012.71 The Florida Teachers Lead Program.-

631 (2) The Legislature, in the General Appropriations Act,  
632 shall determine funding for the Florida Teachers Lead Program  
633 and the amount allocated for each school district shall not be  
634 recalculated during the year. The funds appropriated are for  
635 classroom teachers to purchase, on behalf of the school district  
636 or charter school, classroom materials and supplies for the  
637 public school students assigned to them and may not be used to  
638 purchase equipment. The funds appropriated shall be used to  
639 supplement the materials and supplies otherwise available to  
640 classroom teachers. From the funds appropriated for the Florida  
641 Teachers Lead Program, the Commissioner of Education shall  
642 calculate an amount for each school district based upon each  
643 school district's proportionate share of the state's total  
644 unweighted FTE student enrollment and shall disburse the funds  
645 to the school districts by July 15.

646 Section 13. The Division of Statutory Revision is directed  
647 to replace all statutory instances of the "Florida Education  
648 Finance Program" or "FEFP" with "Education Choice Fund."

649 Section 14. This act shall take effect July 1, 2011.